

REMARKS/ARGUMENTS

Examiner Koenig is thanked for the thorough examination of the subject Patent Application. The Claims have been carefully reviewed and amended, and are considered to be in condition for allowance.

5 Reconsideration of the rejection under 35 USC §101 of Claims 1-20, 23-82 and 84-102 is requested in light of the following arguments. Claims 1, 21, 42, 62, and 82 are amended to respectively describe a method, a system, an apparatus, a program process, and a video data file distribution system for:

10 “facilitating transfer of a data object retained by a first computer-readable data storage device in communication with a first computing system from said first computing system to a second computing system and thence to a second computer-readable data storage device, comprising the step of segmenting said data object,” (Claim 1, Lines 1-7);

15 “A digital data service system in communication with a plurality of computing systems to transfer at least one data object of a plurality of data objects to at least one of the plurality of computing systems, comprising:

20 a plurality of data object storage devices in communication with each other and with any of the plurality of computing systems for retaining each of said plurality of data objects,” (Claim 21, Lines 1-6);

“for facilitating transfer of a data object retained by a first computer-readable data storage device in communication with a first computing system from said first computing system to a second computing system and thence to a second computer-readable data storage device,
5 comprising means for segmenting said data object,” (Claim 42, Lines 1-10);

“facilitating transfer of a data object retained by a first computer-readable data storage device in communication with a first computing system from said first computing system to a second computing system and thence to
10 a second computer-readable data storage device, whereby said computer program process executes the step of segmenting said data object,”
(Claim 62, Lines 5-10);

and

“A video data file distribution system in communication with a plurality of
15 computing systems for transfer of at least one video data file of a plurality of video data files to at least one of the plurality of computing systems,
comprising:

a plurality of video data file retention devices in communication with
each other and with any of the plurality of computing systems;”
20 (Claim 82, Lines 1-6);

The data objects or video data files of Claims 1-20, 23-82 and 84-102 are data structures and consequently are “functional descriptive material”, which impart functionality when employed as a computer component. As defined in New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993), a data structure is “a physical or logical relationship among data elements, designed to support specific data manipulation functions”. As cited in the “Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility”, the “claim to a data structure stored on a computer readable medium that increases computer efficiency is held statutory.” The segmentation of the data objects or video data files of this invention provide for facilitating transfer of a data object or a video data file retained by a computer-readable data storage device or a video data file retention device in communication with a computing system. The data object or video data file is segmented according to the present invention for transfer from one computing system to a second computing system and thence to a second computer-readable data storage device or a video data file retention device. This facilitation of the data object transfer increases the efficiency of the operation of a network of computer systems and therefore the claimed invention as a whole accomplishes a practical application. The resulting increased efficiency is a “useful, concrete and tangible result.”, and thus the claimed invention of Amended Claims 1-20, 23-82 and 84-102 is for statutory subject matter.

Reconsideration of the rejection under 35 USC §112, Second paragraph
and Sixth Paragraph of Claims 42-60 as being indefinite for failing to particularly
point out and distinctly claim the subject matter which the applicant regards as
the invention, and not being clear and not disclosing structure for performing the
5 recited function is requested in light of the following arguments. Claims 42-60
are amended to provide the "means for" performing the recited structure as
included in the means for segmenting a data object in an apparatus for transfer
of the data object between computer systems.

It is requested that should Examiner Koenig not find that the Claims are
10 now allowable, that the undersigned be called at (845) 452-5863 to overcome
any problems preventing allowance.

Respectfully Submitted,
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